

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSE ENRIQUE CASTILLO CHAIDEZ :

v.

CARL HEMPHILL, et al.

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CIVIL ACTION NO 18-1837

ORDER

This 21st day of September, 2020, for the reasons that follow, it is hereby **ORDERED** that Plaintiff's Motion for Protective Order and Counsel Fees (ECF #49) is **DENIED**.

Defendant Hemphill's exchange with a potential witness in this case is troubling, but given the record, the Court cannot definitively conclude that it represents an attempt to intimidate a witness, both because the contact was remote in time from the witness' deposition testimony, and because there was an independent business relationship between Mr. Hemphill and the witness unrelated to this case. Necessarily, because the Motion is denied, there is no basis for an award of counsel fees.

Nonetheless, given the tenor of this litigation, the Court is concerned by the tone and content of Mr. Hemphill's communication with the witness, and further concerned by the conduct of one of Mr. Hemphill's attorneys at deposition, specifically, John Bradley, Esquire.

Consequently, the Court sees wisdom in the suggestion of Defendant's other counsel, James Steigerwald, Esquire, that the parties enter into a consent order prohibiting further contact. The parties are therefore **FURTHER ORDERED** to meet and confer with respect to such an Order.

/s/ Gerald Austin McHugh
United States District Judge